

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3
4 IN THE MATTER OF:)
5)
6 ILLINOIS-AMERICAN WATER COMPANY,)
7) No. 08-0542
8 Application for Certificates of)
9 Public Convenience and Necessity to)
10 Provide Water and/or Sanitary Sewer)
11 Service to Parcels in Cook, DuPage)
12 and Will Counties, Illinois,)
13 pursuant to Section 8-406 of the)
14 Public Utilities Act.)
15
16 Chicago, Illinois
17 April 2, 2009
18
19 Met, pursuant to notice, at 10:00 a.m.
20
21 BEFORE:
22 MR. GLENNON P. DOLAN, Administrative Law Judge
23
24 APPEARANCES:
25
26 MS. JONI K. OTT (via telephone)
27 300 North Water Works Drive
28 Belleville, Illinois 62223
29 appearing for Illinois-American
30 Water Company;
31
32 MS. JESSICA L. CARDONI
33 MR. MICHAEL LANNON
34 160 North LaSalle Street
35 Suite C-800
36 Chicago, Illinois 60601
37 appearing for Staff of the ICC.
38
39 SULLIVAN REPORTING COMPANY, by
40 Rocio Garcia, CSR
41 License No. 084-004387

1	<u>I N D E X</u>		
2		Re-	Re- By
3	<u>Witnesses:</u>	<u>Direct</u> <u>Cross</u> <u>direct</u> <u>cross</u>	<u>Examiner</u>
4	NONE		
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15	<u>E X H I B I T S</u>		
16			
17	<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
18	KFH-1.0, KFH-3.0, KFH-3.1		12
19	Exhibits A and B		14
20	IAWC 2.0		15
21	Affidavits K. Hillen and M. Hoffman		
22	18		

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1 JUDGE DOLAN: By the direction and authority of
2 the Illinois Commerce Commission, I call Docket
3 No. 08-0542. Illinois-American Water Company, an
4 application for certificate of public convenience
5 and necessity to provide water and/or sanitary sewer
6 service to parcels in Cook, DuPage and Will Counties
7 in Illinois pursuant to Section 8-406 of the Public
8 Utility Acts to order.

9 Will the parties please identify
10 themselves for the record.

11 MS. OTT: Sure. Thanks, your Honor.

12 This is Joni K. Ott and I'm corporate
13 counsel with American Water and I'm appearing on
14 behalf of Illinois-American Water. My address is
15 100 North Water Works Drive, Belleville, Illinois
16 62223, and my business phone number is (618)
17 239-3222.

18 MS. CARDONI: Your Honor, on behalf of staff
19 witnesses for the Illinois Commerce Commission,
20 Jessica Cardoni and Michael Lannon, 160 North
21 LaSalle, Suite C-800, Chicago, Illinois 60601.

22 JUDGE DOLAN: All right. Let the record reflect

1 there are no other appearances.

2 So it's my understanding today is going
3 to be an evidentiary hearing but we're just
4 basically going to be introducing documents into the
5 record; is that correct?

6 MS. OTT: That's my understanding, your Honor.

7 MS. CARDONI: Mine as well, Judge.

8 JUDGE DOLAN: Okay. Then Joni, you're ready to
9 go ahead and start?

10 MS. OTT: Sure. Thanks.

11 I would like to -- as you're aware,
12 Judge, we filed the affidavit of Kevin F. Hillen and
13 Michael J. Hoffman both of who previously filed
14 testimony. So is that sufficient or did you want to
15 swear the witnesses in?

16 JUDGE DOLAN: Well, if they file -- if you're
17 filing affidavits I don't think we need to worry
18 about swearing the witnesses in.

19 MS. OTT: Oh, okay. Great. Well, then I would
20 live to offer the direct testimony of Kevin F.
21 Hillen which is AWC Exhibit No. KFH-1.0 and the
22 rebuttal testimony of Kevin F. Hillen which is AWC

1 Exhibit 3.0 and the exhibit that was attached to his
2 rebuttal testimony which is AWC Exhibit No. KFH-3.1.

3 JUDGE DOLAN: Okay. Is there any objection?

4 MS. CARDONI: None.

5 JUDGE DOLAN: Okay. Then AWC Exhibit 1 -- or AWC
6 Exhibit No. KFH-1.0 will be admitted into the record
7 and then AWC Exhibit No. KFH-3.0 and AWC Exhibit No.
8 KFH-3.1 will be admitted into the record.

9 (Whereupon, AWC Exhibit
10 Nos. KFH-1.0, KFH-3.0, KFH-3.1
11 were admitted into evidence.)

12 JUDGE DOLAN: All right. Go ahead and proceed.

13 MS. OTT: Thanks, your Honor. And then I would
14 also like to offer the Revised Direct Testimony of
15 Michael J. Hoffman which is IAWC Exhibit MJH-2.0
16 revised --

17 JUDGE DOLAN: All right.

18 MS. OTT: -- into the record.

19 JUDGE DOLAN: Hold on, Joni. But you said IW.
20 Do you mean --

21 MS. OTT: I know, but on the first one we've just
22 put American Water Company and this one we put

1 Illinois American Water Company.

2 JUDGE DOLAN: All right. So it's IWC?

3 PHONE: IAWC.

4 JUDGE DOLAN: All right.

5 PHONE: I'm sorry about that.

6 JUDGE DOLAN: That's all right. I just want to

7 make sure we got it right for the record.

8 PHONE: Right.

9 JUDGE DOLAN: All right. Is that all you have is

10 just. . .

11 PHONE: Well, and then I also wanted to offer

12 into evidence, I guess, the petition and --

13 JUDGE DOLAN: Well, hold on. That's all for this

14 witness?

15 PHONE: Oh, yes.

16 JUDGE DOLAN: Okay. So just 2.0 revised?

17 PHONE: Yes.

18 JUDGE DOLAN: All right. Any objections to that?

19 MS. CARDONI: None, your Honor.

20 JUDGE DOLAN: Okay. All right. Now, you can go

21 ahead and proceed.

22 PHONE: Okay. Thank you.

1 And then I would also like to offer into
2 evidence the verified petition that was filed on
3 September 17th, 2008 in this docket and the exhibit,
4 Exhibit A which is the match of the four parcels
5 that we are seeking certification for and Exhibit D
6 which is a legal description; but I would point out
7 that the legal description was partially revised by
8 Mr. Hillen's Exhibit 3.1.

9 JUDGE DOLAN: Okay. So Exhibit B was revised by
10 Exhibit 3.1?

11 PHONE: Right. Partially.

12 JUDGE DOLAN: Partially.

13 PHONE: Right.

14 JUDGE DOLAN: Okay. Is there any objection to
15 the verified petition in Exhibit A and Exhibit B?

16 MS. CARDONI: There is no objection.

17 JUDGE DOLAN: Okay. Then the verified petition
18 in Exhibit A and Exhibit B will be admitted into the
19 record.

20 (Whereupon, Verified Petition
21 Exhibit A and B were
22 admitted into evidence.)

1 JUDGE DOLAN: And did I formally admit No. 2 into
2 the record?

3 I'm going to do that --

4 MR. LANNON: I don't recall.

5 JUDGE DOLAN: -- just to be on the safe side. I
6 don't know if I did so revised -- or IAWC Exhibit
7 No. 2.0 revised will also be admitted into the
8 record.

9 (Whereupon, IAWC Revised
10 Exhibit No. 2.0 was
11 admitted into evidence.)

12 JUDGE DOLAN: Anything else from
13 Illinois-American?

14 PHONE: No, thank you.

15 JUDGE DOLAN: Okay. Staff.

16 MS. CARDONI: Yes, your Honor. Staff would like
17 to seek leave to admit five pieces of evidence into
18 the record at this time. First what has been marked
19 as ICC Staff Exhibit 1.0, the verified statement of
20 Jonathan M. Sperry which consists of five pages and
21 was filed on E-docket on November 21st, 2009.

22 Next, what has been marked as ICC Staff

1 Exhibit 2.0 titled the direct testimony of
2 Jonathan M. Sperry and also consisting of a verified
3 statement as well as Attachment 2.01. This is 17
4 pages of testimony and was filed on E-docket on
5 January 30th, 2009.

6 Moving on, what I've marked as ICC Staff
7 Exhibit 3.0 consisting of four pages of a verified
8 statement of the direct testimony of Larry H.
9 Wilcox. This was filed on E-docket on January 30th,
10 2009.

11 Also ICC Staff Exhibit 4.0, the --
12 entitled the affidavit of Sheena Kight-Garlisch
13 consisting of two pages filed on E-docket on
14 January 30th, 2009.

15 And, finally, what has been marked as ICC
16 Staff Exhibit 5.0, the direct testimony of
17 Christopher L. Boggs consisting of a verified
18 statement and four typed pages; and, again, filed on
19 E-docket on January 30th, 2009.

20 And that completes the evidence we'd like
21 to admit.

22 JUDGE DOLAN: Is there any objection?

1 PHONE: There's no objection.

2 JUDGE DOLAN: Okay. Then ICC Exhibit 1 through

3 ICC Exhibit 5 will be admitted into the record.

4 MS. CARDONI: Thank you.

5 JUDGE DOLAN: All right. Now, was

6 Illinois-American's -- were the affidavits filed

7 with these documents or were they filed separately?

8 PHONE: They were filed separately. Both of the

9 affidavits were filed on April 1st.

10 JUDGE DOLAN: Okay. So you want those admitted

11 into the record, too, then; right?

12 PHONE: Yes. I'm sorry. Yes.

13 JUDGE DOLAN: Okay. All right. Then both of the

14 affidavits -- did you have them marked as exhibits

15 or just as affidavits?

16 PHONE: I did have them marked as affidavits.

17 JUDGE DOLAN: Okay. Then I take it it's the

18 affidavits of Mr. Hillen and -- who's the other one,

19 Hoffman?

20 PHONE: Mr. Hoffman, yeah.

21 JUDGE DOLAN: Okay. Both of those will be

22 admitted into the record.

1 (Whereupon, Affidavits of
2 Kevin F. Hillen and
3 Michael J. Hoffman were
4 admitted into evidence.)
5 JUDGE DOLAN: Is there anything else then?
6 MR. LANNON: Would you like a proposed order,
7 your Honor?
8 JUDGE DOLAN: If you can get me one that would be
9 great. That would speed things up.
10 MR. LANNON: Joni.
11 PHONE: Yes.
12 MR. LANNON: Would the company like to do the
13 first draft of that and --
14 PHONE: Yes.
15 MR. LANNON: -- send one by us?
16 PHONE: Yes.
17 MR. LANNON: Your Honor, do you have any
18 particular time frame you have in mind for getting
19 it?
20 JUDGE DOLAN: No, just -- I know that the
21 bench -- well the next bench is April 22nd. I don't
22 know if want to be that ambitious or we've got May

1 6th or May 20th. So how much time do you think you
2 need?

3 MR. LANNON: Joni, did you hear?

4 PHONE: Yes. Yes. I would think I could have it
5 hopefully by next Thursday, but at the very latest
6 by the end of the next week which is April 17th.

7 MR. LANNON: Okay. We'll turn it around quickly.

8 PHONE: Okay.

9 MR. LANNON: But --

10 JUDGE DOLAN: All right.

11 MR. LANNON: -- I don't know where that gets us
12 as far as you having to get it to the --

13 JUDGE DOLAN: Yeah, it probably wouldn't get into
14 the 22nd but that's -- you know, we can definitely
15 get it on for the May 6th bench. I mean, they're
16 operating anyway on the temporary --

17 MR. LANNON: That's right.

18 JUDGE DOLAN: -- permission.

19 PHONE: Right.

20 JUDGE DOLAN: So it's not like we're --

21 MR. LANNON: That's right.

22 JUDGE DOLAN: -- on rush, rush time constraints;

1 right.

2 MR. LANNON: That's right.

3 JUDGE DOLAN: All right. Just -- you know, as

4 soon as you can get it to me that's fine and then

5 from there -- so is there anything else then to come

6 before the Commission?

7 MR. LANNON: Would you like that e-mailed or

8 filed on E-docket?

9 JUDGE DOLAN: If you could e-mail me a Word

10 version that would be great.

11 MR. LANNON: Great.

12 JUDGE DOLAN: Okay.

13 MR. LANNON: Thank you, your Honor.

14 JUDGE DOLAN: Then with that --

15 PHONE: Thank you.

16 JUDGE DOLAN: All right. Then with that we'll

17 mark this matter heard and taken.

18 HEARD AND TAKEN

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